

REMARKS/ARGUMENTS

The Office Action mailed June 25, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 18, 21, and 24 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification and figures.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed.

The Office had a “difficult time deciphering the meaning of the last portion of this claim.” Claim 18 has been amended to clarify the confusion. It is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claims 1-12 and 17-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over DeBan (USP 5,386,103) in view of Artino et al. (USP 6,328,208) among which claims 1, 21, 24, and 28 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

¹ M.P.E.P. § 2143.

Claims 1, 21, and 24

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in DeBan except that DeBan “is silent about the use of this identification and verification system in a gaming machine” and “fails to disclose an internal camera system for photographing the interior of the ATM.” The Office Action further contends that Artino discloses:

“an interior camera for capturing images of the items that are deposited into the ATM ... The system contains a frame splitter that records images from both cameras simultaneously in a single image frame ... therefore a single image displaying the user and the time that was deposited into the ATM. Once the image is complete, it is sent to an image server ... through a local or wide area network”

and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate DeBan and Artino in order to create a more secure machine. The Applicants respectfully disagree for the reasons, among others, set forth below.

Amended Claim 1 provides for the following features:

“wherein the at least one on image collection device is configured or designed to communicate with at least one peripheral of the gaming machine,

wherein the at least one peripheral device is associated with a communication link for communicating user interaction with the peripheral to a remote location and where the peripheral device is coupled to the at least one image collection device for automatic collection of the at least one image associated with the interior of the gaming machine in response to interaction with the at last one peripheral of the gaming machine,

wherein the at least one image collection device is also for obtaining the at least one image of the activity associated with the interior of the gaming machine simultaneously with the obtaining of the current facial image information”

Claims 21 and 24 provide for a similar feature. On the other hand, neither DeBan nor Artino teaches or discloses the “image collection device configured or designed to communicate with at least one peripheral of the gaming machine” or that the image collection device is “associated with the interior of the gaming machine in response to interaction with the at last one peripheral

of the gaming machine.” In one embodiment, Artino simply teaches the use of “[i]nterior camera 56 in the exemplary embodiment is positioned to view deposited items as they pass from the pockets in the drum 48 and move into the chest interior area 42.” (Col. 7, lines 9-13). The camera is not designed or configured to communicate with the depository or drum nor does Artino teach or disclose automatically initiating camera operation based on user interaction. In fact, Artino is silent on whether the interior camera is configured to communicate with the peripheral device. The interior camera of Artino may simply provide a continuous image feed.

Accordingly, since the combination of DeBan and Artino do not teach each every single element of the Claims 1, 21, and 24, it can not be said the render the claimed invention obvious.

Claim 28

The Office Action states that “the art combination of DeBan and Artino discloses two triggering events, an initial verification accomplishment through their PIN number or face recognition software and a second event capturing an image of a person using the ATM. Therefore, it would have been obvious to one of ordinary skill to change the Artino second event to a second face recognition event to insure an authorized user is still using the ATM since the necessary technology is already in place.” Applicants respectfully disagree for the reasons, among others, discussed below.

Claim 28 provides for:

“wherein the first trigger event is an insertion of a user card into a card reader on the gaming machine, and wherein obtaining the first facial image information comprises reading the first facial image information from the user card, and the wherein the second trigger event is a game initiated event, wherein the game initiated event is a game payout event”

Neither DeBan nor Artino teaches that the “second trigger event is a game initiated event, wherein the game initiated event is a game payout event.” In fact, neither DeBan nor Artino is concerned with game initiated events or game payout events. Accordingly, the combination of DeBan and Artino do not teach each every single element of Claim 28 nor would the combination result in the claimed invention. Thus, it can not be said that the combination of DeBan and Artino would render the claimed invention obvious.

As to dependent claims 2-12, 17-20, 22-23, and 25-27, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P496D1).

Respectfully submitted,
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